

REMARKS

Claims 1-34 and 36-45 are pending in the above-referenced application. Claims 10 and 39-41 are withdrawn as being drawn to a non-elected invention. Claims 1- 5, 7, 8, 11-14, 16-23, 25-34, 36-42, 44 and 45 are rejected under 35 U.S.C. §102 and §103. The drawings are objected to as not showing every feature of the invention specified in the claims, specifically claims 15 and 24. Claim 24 is objected to. The Examiner indicated that claims 6, 24 and 43 are objected to as being dependent upon a rejected base claim, and would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The Examiner also indicated that claim 15 would be allowable if amended to address the drawing objection and rewritten to include all of the limitations of the base claim and any intervening claims.

Applicants appreciate the telephone conversation with the Examiner on March 24, 2010. In the conversation, Applicants' representative requested clarification of the rejections of claims 26 and 31. The Examiner stated that claim 31 is rejected under 35 U.S.C. §102(b) as being anticipated by Polleau, and may be grouped with claims 1, 11, 22 and 23 in the 102(b) rejection to Polleau in the Office Action. Regarding claim 26, the Examiner indicated she would review it with regard to the cited references and issue a supplementary action. Subsequent to the telephone interview, the Supplemental Final rejection was issued to clarify the rejections.

ALLOWABLE SUBJECT MATTER

The Examiner indicated that claims 6, 24 and 43 are objected to as being dependent upon a rejected base claim, and would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The Examiner also indicated that claim 15 would be allowable if amended to address the drawing objection and rewritten to include all of the limitations of the base claim and any intervening claims. By this paper, claims 6, 15, 24 and 43 have been rewritten in independent form including all of the limitations of the base claim and any intervening claims.

DRAWINGS

The drawings are objected to as not showing every feature of the invention specified in the claims, specifically claims 15 and 24. By this paper, claims 15 and 24 have been amended as suggested by the Examiner to remove the objection to the drawings.

CLAIM OBJECTIONS

By this paper, claim 24 has been amended as suggested by the Examiner to correct a wording error.

CLAIM REJECTIONS – 35 U.S.C. §102 and §103

Without necessarily agreeing with the Examiner's rejections of claims 1-5, 7, 8, 11-14, 16-23, 25-34, 36-42, 44 and 45 under 35 U.S.C. §102 and §103, Applicants have cancelled claims 1, 11, 19, 23, 26-34, 36-38 and 42 in order to proceed most efficiently towards allowance of the present application. The claim dependencies of claims 2, 3, 7-9, 12, 17, 18, 20, 22, 25, 44 and 45 have been amended so that they do not depend from cancelled claims. Since claims 1, 11, 19, 23, 26-34, 36-38 and 42 are cancelled, all rejections thereto are moot. Applicants reserve the right to respond the Examiner's substantive rejections of claims 1-5, 7, 8, 11-14, 16-23, 25-34, 36-42, 44 and 45 in this or a continuing application.

CONCLUSION

For at least the reasons set forth above, claims 2-9, 12-18, 20-22, 24-25 and 43-45 are believed to be in condition for allowance. If there are any remaining issues preventing mailing of a Notice of Allowance, the Examiner is respectfully requested to contact the undersigned.

Dated this 18th day of May 2010.

Respectfully submitted,

/Barbara Daniels/

Barbara J. Daniels
Agent for Applicants
Registration No. 60,467

MedicineLodge, Inc. dba IMDS Co-Innovation
124 South 600 West
Logan, UT 84321
Telephone: (435)774-1868
Facsimile: (435)753-7698